



U.S. Department of Justice

Ronald C. Machen Jr.
United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

December 9, 2011

The Honorable Lee F. Satterfield, Chief Judge
Superior Court of the District of Columbia
500 Indiana Avenue, N.W., Suite 3500
Washington, D.C. 20001

Dear Chief Judge Satterfield:

The purpose of this letter is to provide a final report to the Court on the United States Attorney's Office's review of cases involving FBI forensic examiners whose work was called into question by *The FBI Laboratory: An Investigation into Laboratory Practices and Alleged Misconduct in Explosives-Related and Other Cases* (Office of the Inspector General 1997) ("*OIG Report*").

As we explained in our letter of October 13, 2010, the final stage of our search for relevant cases required a search of a new computerized database containing documents relating to cases handled by the examiners criticized in the *OIG Report*. We found one more computerized database and believe we have now exhausted all leads to locating D.C. cases that may have been handled by those examiners.

Through a search of these two databases, we were able to link 126 more cases to District of Columbia offenses. For 85 cases, the initial examination yielded no evidence to be analyzed (e.g., no hair was found in the debris) or no useful evidence (e.g., the components of a "bomb" would not result in an explosion). For 15 cases, we found no analysis either because it never existed or is no longer in available records.¹

There was a positive forensic analysis in 26 of the cases. We found records of conviction in only six of them. Of those six convictions, the *OIG Report* was made known to the defense prior to trial

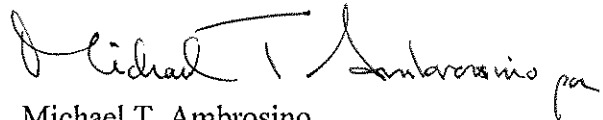
¹ For nine of these cases, there was either no arrest or no conviction. In four cases, there was no evidence within the questioned examiners' areas of expertise. In one case, we found only a DNA analysis that linked the defendant to the crime; DNA would have outweighed hair analysis, if any. In one case, an analysis – which we do not have – was completed after the plea; thus, even if turned out to have been probative, it would not have been material to the plea.

in two of the cases. In one case, the forensic evidence was not used at trial. Therefore, of the 126 newly identified cases, there are only three in which an FBI forensic analysis yielded a positive result, and the prosecution obtained a standing conviction where, to the best of our knowledge, a prior disclosure has not been made. Two are 1985 Superior Court misdemeanors. The third was a 1988 Superior Court serial acquaintance rape case where the defendant is now deceased.

Upon review of these three cases, we do not believe that any of these defendant has a viable claim of actual innocence. However, out of an abundance of caution, as with the other cases we have identified, we provided the Mid-Atlantic Innocence Project with information on these three cases for it to make an independent judgment on whether further investigation is warranted.

The Mid-Atlantic Innocence Project has completed its review and, we understand, will submit its report to the Court soon. We hope that this will conclude the matter.

Sincerely,



Michael T. Ambrosino
Special Counsel to the United States Attorney



Patricia A. Riley
Special Counsel to the United States Attorney

cc: The Honorable Fred B. Ugast
The Honorable Russell F. Canan
Shawn Armbrust, Esq., Mid-Atlantic Innocence Project
Sandra Levick, Esq., Public Defender Service